

TEMPORARY

NO. 63394

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APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office AUG 28 1997

Returned to applicant for correction _____

Corrected application filed _____

Map filed NOV 15 1996 under 62513

The applicant **Barker Homes, Inc.**, hereby makes application for permission to change the **Point of Diversion and Place of Use** of water heretofore appropriated under portions of Claims 55 and 57 of the Truckee River Decree, said Decree entered by the District Court of the United States for Nevada in that certain action entitled "The United States of America vs. Orr Water Ditch Company, et al., Defendants", in Equity Docket A-3.

1. The source of water is **Truckee River by Orr Ditch, as decreed**
2. The amount of water to be changed **23.12 afa and a prorata share of the diversion rate**
3. The water to be used for **As decreed**
4. The water heretofore permitted for **As decreed**
5. The water is to be diverted at the following point **within the NE¼ of the SW¼ of Section 17, T.19N., R.19E., M.D.M., or at a point from which the SW corner of said Section 17 bears South 44°40' West a distance of 3211 feet. For proposed point of diversion, this application, see existing point of diversion for Orr Ditch on map supporting Application No. 62513.**
6. The existing permitted point of diversion is located within the **NE¼ of the SW¼ of Section 31, T.19N., R.18E., M.D.M., or at a point from which the Southeast corner of Section 31 bears South 62°04' East a distance of 3195 feet. Steamboat Canal per Orr Ditch Decree. See Map No. 58679 for existing point of diversion, this application.**
7. Proposed place of use **within the South half (S½) and Northeast quarter (NE¼) of Section 11, T.20N., R.20E., M.D.M.. See map supporting Application No. 62513.**
8. Existing place of use **See attached Exhibit "A". Also refer to map supporting Application No. 63026 filed May 20, 1997 in the Office of the Nevada State Engineer. (A total of 8.095 acres is being stripped by this application.)**
9. Use will be from **As Decreed to As Decreed** of each year.
10. Use was permitted from **As Decreed to As Decreed** of each year.
11. Description of proposed works **Works are existing.**
12. Estimated cost of works **None. Works are existing.**
13. Estimated time required to construct works **None. Works are existing.**
14. Estimated time required to complete the application of water to beneficial use **1 year**

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15. Remarks: This application would allow the use of decreed waters from the parcels depicted on map No. 63026 for use "as decreed" within the proposed place of use depicted on map supporting application No. 62513.

By s/ George G. Lindesmith
George G. Lindesmith
Tri State Surveying 1925 E. Prater Way
Sparks, Nevada 89434

Compared cl/jr

Protested _____

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

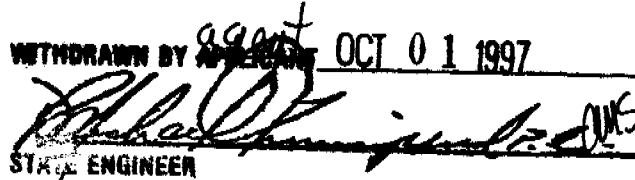
WITHDRAWN BY ^{agent} ~~APPLICANT~~ OCT 01 1997

STATE ENGINEER

EXHIBIT "A"
EXISTING PLACE OF USE

Diversion	40-acre Sub'n.		Section	Township	Range	Claim #	APN	ACREAGE	DUTY	
Steamboat Canal	NW	NE	21	19N	19E	55	09-261-61	0.730	2.92	(2.72)*
	NW	NE	21	19N	19E	55	09-265-09	0.560	2.24	
SUBTOTALS								1.290	5.16	(4.96)*
Steamboat Canal	NE	NW	22	19N	19E	57	18-101-14	0.291	1.16	
	NE	NW	22	19N	19E	57	18-101-15	0.262	1.05	
	NE	NW	22	19N	19E	57	18-101-16	0.278	1.11	
	NE	NW	22	19N	19E	57	18-101-23	0.281	1.12	
	NE	NW	22	19N	19E	57	18-101-24	0.281	1.12	
	NE	NW	22	19N	19E	57	18-101-25	0.278	1.11	
	NE	NW	22	19N	19E	57	18-101-26	0.275	1.10	
	NE	NW	22	19N	19E	57	18-101-27	0.229	0.92	
	NE	NW	22	19N	19E	57	18-101-29	0.572	2.29	
	NE	NW	22	19N	19E	57	18-101-31	0.469	1.88	
	NE	NW	22	19N	19E	57	18-101-33	0.429	1.72	
	NE	NW	22	19N	19E	57	18-101-34	0.425	1.70	
	NE	NW	22	19N	19E	57	18-102-01	0.297	1.19	
	NE	NW	22	19N	19E	57	18-102-02	0.281	1.12	
	NE	NW	22	19N	19E	57	18-102-03	0.278	1.11	
	NE	NW	22	19N	19E	57	18-102-04	0.275	1.10	
	NE	NW	22	19N	19E	57	18-102-05	0.219	0.88	
	NE	NW	22	19N	19E	57	18-102-06	0.020	0.08	
	NE	NW	22	19N	19E	57	STREETS	1.365	5.46	
SUBTOTALS								6.805	27.22	(18.16)*
TOTALS								8.095	32.38	(23.12)*

* Water Rights Deeds to Barker Homes, Inc. strip only 2.72 acre feet of the total appurtenant to parcel 09-261-61 in Claim 55 and 18.16 acre feet of the total appurtenant to the parcel described in deeds for Claim 57.